

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

POWER INTEGRATIONS, INC.,
Plaintiff,
v.
FAIRCHILD SEMICONDUCTOR
INTERNATIONAL, INC., et al.
Defendants.

No. C-09-5235 MMC

**ORDER GRANTING IN PART AND
DENYING IN PART FAIRCHILD'S
MOTION TO FILE UNDER SEAL
PORTIONS OF ITS OPPOSITION TO
MOTION TO EXCLUDE ROBERT
PALMATIER, AND SUPPORTING
EXHIBITS**

Before the Court is an administrative motion to file under seal, filed September 14, 2015, by defendants Fairchild Semiconductor International, Inc., Fairchild Semiconductor Corporation, and Fairchild (Taiwan) Corporation (collectively, "Fairchild") pursuant to Civil Local Rule 79-5, by which Fairchild seeks permission to seal the entirety of Exhibits E and G to the Declaration of Christina A. Ondrick ("Ondrick Declaration") filed in support of "Fairchild's Brief in Opposition to Power Integrations' Motion to Exclude Testimony of Robert Palmatier," as well as portions of Fairchild's opposition that make reference to said exhibits.

All of the material sought to be sealed has been designated confidential by both parties, and, in accordance with the requirements of the Local Rules of this district, Fairchild and plaintiff Power Integrations, Inc. ("Power Integrations") have submitted respective declarations in support of Fairchild's administrative motion. See Civil L. R. 79-

1 5(d) (providing motion to file document under seal must be “accompanied by . . . [a]
2 declaration establishing that the document sought to be filed under seal, or portions
3 thereof, are sealable”); Civil L.R. 79-5(d)-(e) (providing, where party seeks to file under seal
4 material designated confidential by another party, designating party must file, within four
5 days, “a declaration . . . establishing that all of the designated information is sealable”).
6 Having read and considered the administrative motion and the parties’ respective
7 declarations, the Court rules as follows.

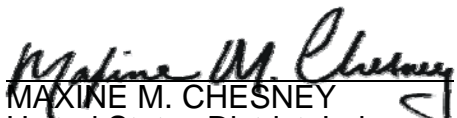
8 To the extent the administrative motion seeks permission to seal the entirety of
9 Exhibit G to the Ondrick Declaration, the Court finds good cause has been shown, and the
10 motion is hereby GRANTED. Exhibit G shall remain filed under seal.

11 “A sealing order may issue only upon a request that establishes that the document,
12 or portions thereof, is privileged or protectable as a trade secret or otherwise entitled to
13 protection under the law.” See Civil L.R. 79-5(a). According to the parties, Exhibit E
14 contains “both parties’ technical, financial, strategic marketing and product status
15 information.” (See Ondrick Decl. ¶ 5; Headley Decl. ¶ 3.) It would appear, however, that
16 Exhibit E, which consists of a two-page excerpt from the report of Jonathan D. Putnam,
17 Ph.D., in which said expert sets forth his opinions as to the value of the infringing features
18 of Fairchild’s products, contains no confidential information. Likewise, the redacted
19 portions of the opposition, including those portions that reference Exhibit G, contain no
20 confidential information.

21 Accordingly, the administrative motion to seal is hereby DENIED with respect to
22 Exhibit E and the redacted portions of the opposition, and Fairchild is hereby DIRECTED to
23 file in the public record Exhibit E and the unredacted opposition.

24 **IT IS SO ORDERED.**

25 Dated: October 21, 2015

26 
MAXINE M. CHESNEY
United States District Judge